

REMARKS

Claims 1-47 are pending in this application, claims 27-46 having been withdrawn. By this amendment, claims 1, 27 and 47 are amended. Support for the amendments to claims 1, 27 and 47 can be at least found in Applicants' Figure 11. No new matter is added by these amendments. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Bowers in the February 12, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-3, 7-22, 26 and 47 under 35 U.S.C. §103(a) over U.S. Patent No. 4,186,565 to Toledo-Pereyra in view of U.S. Patent Application Publication No. 2008/0032398 to Cannon. The rejection is respectfully traversed.

Independent claim 1, and similarly independent claim 47, recite a tube frame that is configured to hold a plurality of tubes of the tube frame in a position to be directly connected to a plurality of tubes in a portable housing.

The Office Action, on page 3, asserts that the plurality of tubes in the tube frame of Toledo-Pereyra are in communication with a plurality of tubes located within the portable housing in order to effectively introduce a withdraw fluid to and from the organ. However,

the amended independent claims recite that the plurality of tubes of the tube frame are in a position to be directly connected to a plurality of tubes in the portable housing. Therefore, as discussed with and agreed upon by Examiner Bowers at the personal interview, Toledo-Pereyra fails to disclose or suggest a plurality of tubes of a tube frame that are in a position to be directly connected to a plurality of tubes in a portable housing.

Particularly, Toledo-Pereyra's plurality of tubes in the organ chamber 14 (alleged portable housing) include outlets 18; and the plurality of tubes in the portion 15 (alleged tube frame) include: (1) refrigeration inlet and outlet lines 26 and 27, which are connected to the refrigeration unit 11; (2) inlet line 26, which connects the heat exchanger 25 located in the portion 15 with the pump 20 located in the pump unit 12; (3) line 24, which connects the oxygenator 21 located in the portion 15 to the heat exchanger 25 located in the portion 15; and (4) line 22, which connects the tanks 23 with the oxygenator 21 located in the portion 15. Therefore, as indicated above, none of the tubes in the portion 15 is directly connected to the outlets 18 located in the organ chamber 14. Thus, Toledo-Pereyra fails to disclose or suggest the amended features of the independent claims.

Cannon is only used to disclose or suggest that it is known in the art to hold a plurality of tubes at respective predetermined positions, which Applicants do not admit, and Cannon fails to overcome the deficiencies of Toledo-Pereyra as discussed above.

Thus, for at least these reasons, independent claims 1 and 47 are patentable over the applied references. Further, claims 2, 3, 7-22 and 26, which depend from claim 1, are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features recited therein.

For example, dependent claim 13 recites at least part of the tube frame is connectible to a connection device of the portable housing.

The Office Action fails to address the features of dependent claim 13, and claim 14 adequately. As discussed with and agreed upon by Examiner Bowers at the personal interview, Toledo-Pereyra only discloses that the organ chamber 14 sits on top of the portion 15. Therefore, there is no specific connection device disclosed or suggested in Toledo-Pereyra and particularly with regard to dependent claim 14, there is definitely no disclosure or suggestion of a connection device that is at least one of snaps, pins, clips and screws.

Accordingly, Applicants respectfully request that the rejection be withdrawn.,

The Office Action rejects claims 4-6 and 23-25 under 35 U.S.C. §103(a) over Toledo-Pereyra in view of Cannon and U.S. Patent No. 5,586,438 to Fahy. The rejection is respectfully traversed.

Dependent claim 4 recites that the apparatus further comprises an organ or tissue supporting surface that is configured to support the organ or tissue with a portable housing while allowing effluent medical fluid to pass through the organ or tissue and form an organ bath.

The Office Action, on page 5, asserts that Fahy's soft pads 13 and 14 are provided supporting an organ or tissue. However, as discussed with and agreed upon by Examiner Bowers at the personal interview, Fahy's soft pads 13 and 14 fail to disclose or suggest a structure that would allow effluent medical fluid to pass through the organ or tissue and form an organ bath, as recited in dependent claim 4. Specifically, see the structure of the pads 13 and 14 disclosed in Fahy's Fig. 1 and the disclosure in col. 4, lines 40-43, which states that the pads 13 and 14 may be coated with a thin highly flexible sterilizable plastic layer to further impede the introduction of particulates and improve sterilization. Thus, it would not have been obvious to modify Fahy's pads 13 and 14 such that they support the organ or tissue and while allowing effluent medical fluid to pass through the organ or tissue and form an organ

bath. Furthermore, Toledo-Pereya and Cannon, which do not disclose or suggest a supporting surface, fail to overcome the deficiencies of Fahy.

Thus, for at least these reasons, claim 4 is patentable over the applied references. Moreover, claims 5, 6 and 23-25, which depend from claim 1, are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features recited therein. Accordingly, Applicants respectfully request that the rejection be withdrawn.

II. Rejoinder Withdrawn Claims

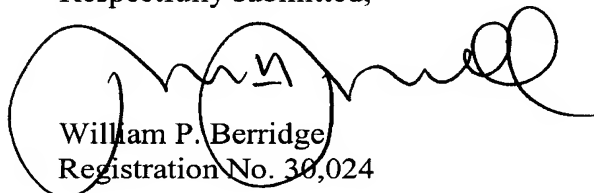
Applicants respectfully request rejoinder of withdrawn independent claim 27, and upon the allowance of at least independent claim 1. Independent claim 27 includes features similar to those recited in independent claim 1. Thus, upon allowance of claim 1, rejoinder and allowance of claim 27, and the claims depending therefrom, are respectfully requested. (*see* MPEP §821.04).

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Rodney H. Rothwell, Jr.
Registration No. 60,728

WPB:RHR/kcp

Date: March 3, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--